



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2019

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.A(MD)No.43 of 2019

Karuppaiah : Appellant/Petitioner/A13

Vs.

1.The State represented by
Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

2.The Inspector of Police,
Pazhayanoor Police Station,
Sivagangai District.

: R1 & R2/Complainants

3.Maheswaran

: 3rd Respondent/
De-facto complainant

4.Malaisamy

5.Dhanasekaran

6.Sugumaran

7.Deivendran

: R4 to R7/Victims

Prayer: Criminal Appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 against the order, dated 30.08.2018 passed in Cr1.M.P.No.3291 of 2018 on the file of the Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai.

For Appellant : Mr.K.Gokul

For R1 and R2 : Mr.A.Rabinson
Government Advocate
(Criminal side)

For 3rd Responden : Mr.G.Bhagavath Singh

For R4 to R7 : No appearance

**JUDGMENT**

This Criminal Appeal has been filed against the order, dated 30.08.2018 passed in CrI.M.P.No.3291 of 2018 on the file of the Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai.

2.The Appellant/A13, who was arrested and remanded to judicial custody on 18.06.2018 in connection with a case in Crime No.32 of 2018 for the alleged offences under Sections 147, 149, 294 (b), 324, 307 and 3-2 IPC and Section 3 of TNPPDL Act and Section 3 (1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act 2015, seeks appeal bail.

3.The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he has been falsely implicated in this case in respect of temple dispute and he has nothing to do with the alleged occurrence and that the appellant is in jail for more than 250 days and and he is only bread winner of the family.

4.The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that the earlier bail applications filed by the appellant were dismissed and in this case, three persons belong to Schedule community were brutally murdered and five persons were severely injured and houses of the schedule caste people were damaged and there is also life threat for victims and witnesses

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.It seen from the records that the petitioner along with the other accused brutally murdered three persons belonging to schedule community and five persons were severely injured and houses of the scheduled caste people were damaged and because of the brutal attack against the scheduled community people, police personnels were deployed in and around the crime spot to prevent untoward incidents. It is also seen that after the occurrence, one of the victim filed a petition seeking police protection and on the very next day of filing the police protection petition, the victim was murdered. Further, SLP is pending before the Hon'ble Apex Court.

7.In view of the above circumstances, this court is of the considered view that if the appellant is released on bail, certainly, his presence will cause apprehension in the minds of the victim as well as the witnesses.



8. Accordingly, this criminal appeal stands dismissed.

Sd/-

Assistant Registrar (C.O)

WEB COPY

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Special Judge,
Special Court for Exclusive Trial of
Cases under SC/ST (POA), Act, 1989,
Sivagangai.

2. The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

3. The Inspector of Police,
Pazhayanoor Police Station,
Sivagangai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.BHAGAVATH SINGH, Advocate SR-61364.

Cr1.A(MD) No.43 of 2019
12.04.2019

CS: (04/06/2019) 3P 5C